

MEMORANDUM

Approved For Release 2003/05/29 : CIA-RDP79M00467A000200010003-6

NATIONAL SECURITY COUNCIL

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23 November 1976

76-9913/7
Conf #32

NSC REVIEW
COMPLETED

MEMORANDUM FOR THE RECORD

SUBJECT: Approval of Special Activity Criteria

The President approved the attached "Special Activity Review and Approval Criteria," dated 4 November 1976, on 20 November 1976. This paper should now be considered an addendum to the Chairman's Guidelines for Operations.



Rob Roy Ratliff

Executive Secretary
Operations Advisory Group

Attachment

Criteria paper, Copy #1.d.

Distribution

Secretary Kissinger

Secretary Rumsfeld

General Brown

Director Bush

Attorney General Levi

Director Lynn

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CLASSIFIED BY Signer
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
EXEMPTION CATEGORY (S) (C) (U) (D) (A) (M)
AUTOMATICALLY DECLASSIFIED ON
Impossible to Determine
(effective date or event, if any)

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SPECIAL ACTIVITY REVIEW AND APPROVAL CRITERIA

1. The purpose of this paper is to describe those "special activities" that must be reviewed by the Operations Advisory Group (OAG) either because they require a Presidential Finding and reports pursuant to Section 662 of the Foreign Assistance Act of 1961, as amended, or because they involve significant changes in previously approved "special activities."

2. Under Section 3(c) of Executive Order 11905 (19 February 1976), it is the function of the OAG, the successor to the 40 Committee, to

consider and develop a policy recommendation...
for the President prior to his decision on each
special activity in support of national foreign policy
objectives

and

[c]onduct periodic reviews of programs previously
considered by the Operations Group.

3. "Special activities in support of national foreign policy objectives" are defined by Section 2(c) of Executive Order 11905 to mean:

activities, other than the collection and production of
intelligence and related support functions, designed to
further official United States programs and policies
abroad which are planned and executed so that the role
of the United States Government is not apparent or
publicly acknowledged.

Annotations of Executive Order 11905 (10 March 1976) define "special activities in support of national foreign policy objectives," to mean covert action.

4. The Chairman's Guidelines for the OAG dated 19 July 1976 implement the provisions of the Executive Order cited above. The Guidelines require that

Operations subject to OAG review shall include those
for which certification (a Presidential Finding) by the
President as 'important to the national security of the
United States' is required by Section 662(a) of the
Foreign Assistance Act of 1961, as amended, or similar
operations conducted by agencies other than CIA.

In addition,

new initiatives and significant changes (in terms of money or political impact or operational direction) in previously approved special activities will be submitted to the OAG as proposals and will be considered in a formal meeting. The OAG's policy recommendation, including any dissents, will be submitted to the President prior to his decision.

5. Section 662 was added to the Foreign Assistance Act in 1974. It stipulates that

[n]o funds appropriated under the authority of this or any other Act may be expended by or on behalf of the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security of the United States and reports, in a timely fashion, a description and scope of such operation to the appropriate Committees of the Congress, including the Committee on Foreign Relations of the United States Senate, and the Committee on Foreign Affairs of the United States House of Representatives.

The legislative history of Section 662 indicates that the intent of the Congress was to bring CIA covert action operations under a new system of controls and accountability, and that the words "operations in foreign countries, other than activities intended solely for obtaining necessary intelligence," as used in Section 662, were in fact a reference to covert action operations.

6. In accordance with the Executive Order and the Guidelines, proposals for covert actions to be carried out by CIA will be submitted to the OAG. The OAG will develop a policy recommendation for the President. In circumstances where a Finding as to the national security importance of the activities is required by Section 662, that requirement will be made known to the President.* If the President makes a Finding, the DCI, under delegation by the President, will be responsible for reporting it to the appropriate congressional committees.

7. The President has made a number of specific Section 662 Findings and these have been duly reported by the DCI to the appropriate committees. In addition, on 10 January 1975, the President made three general World Wide Findings pursuant to Section 662. These World Wide Findings, which have also been reported by the DCI to the appropriate congressional committees, authorize CIA to continue to:

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The overall purpose of these World Wide Findings was to permit the CIA to carry out routine covert activity--that is, to continue to fund and task

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[redacted] in accordance with prior directives and established policy--without imposing on the President a requirement that he make a separate Finding with respect to each such action. The 10 January 1975 document also included the following language:

. . . I [the President] also find important to the national security of the United States the support necessary to the tasks and operations covered by this Finding.

The main purpose of this language was to provide the CIA with authority to support the infrastructure used to conduct covert action operations,

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[redacted]
this language authorizes tasks that are incidental to approved covert actions, as for example, withdrawal from an unsuccessful action.

8. In carrying out the routine covert actions authorized by the World Wide Findings the [redacted]

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current United States policies. In tasking its covert action infrastructure under the World Wide Findings CIA may look to specific proposals recommended by the OAG and approved by the President, guidelines approved by the Department of State ("perspectives") as the U.S. Government policy on international issues or on other foreign developments as to which U.S. interests could be advanced by covert means with limited political risk, or where time is of the essence may receive specific guidance from the Assistant to the President for National Security Affairs

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or such office as the State Department considers appropriate, in which case CIA shall report such guidance to the OAG at its next meeting.

9. No CIA activity, other than one "intended solely for obtaining necessary intelligence," may be carried out without a proposal for such activity being submitted to the OAG and approved by the President, unless that activity has previously been the subject of a Presidential Finding under Section 662. Where a CIA activity, previously the subject of a Presidential Finding, will undergo a "significant change" or may constitute a "new initiative," such change or initiative must prior to execution be submitted as a proposal to the OAG and approved by the President. A "significant change" or a "new initiative" shall be deemed to exist if the effect of the change is likely to have a substantial political impact, if the change is likely to increase significantly the risks of exposure, if the change involves a significant increase in money to be expended from that contemplated in the Finding under which the activity is authorized [REDACTED]

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[REDACTED] was originally contemplated, or whenever a request for the release of funds from the CIA Contingency Reserve will be made), or if there is any significant change in operational direction. In cases of doubt the Chairman of the OAG may determine whether a "significant change" or "new initiative" is involved, in which case he shall report his conclusion to the OAG at its next meeting, or he may refer the question to the OAG.

10. The following matters shall always require OAG review and approval, notwithstanding the World Wide Findings:

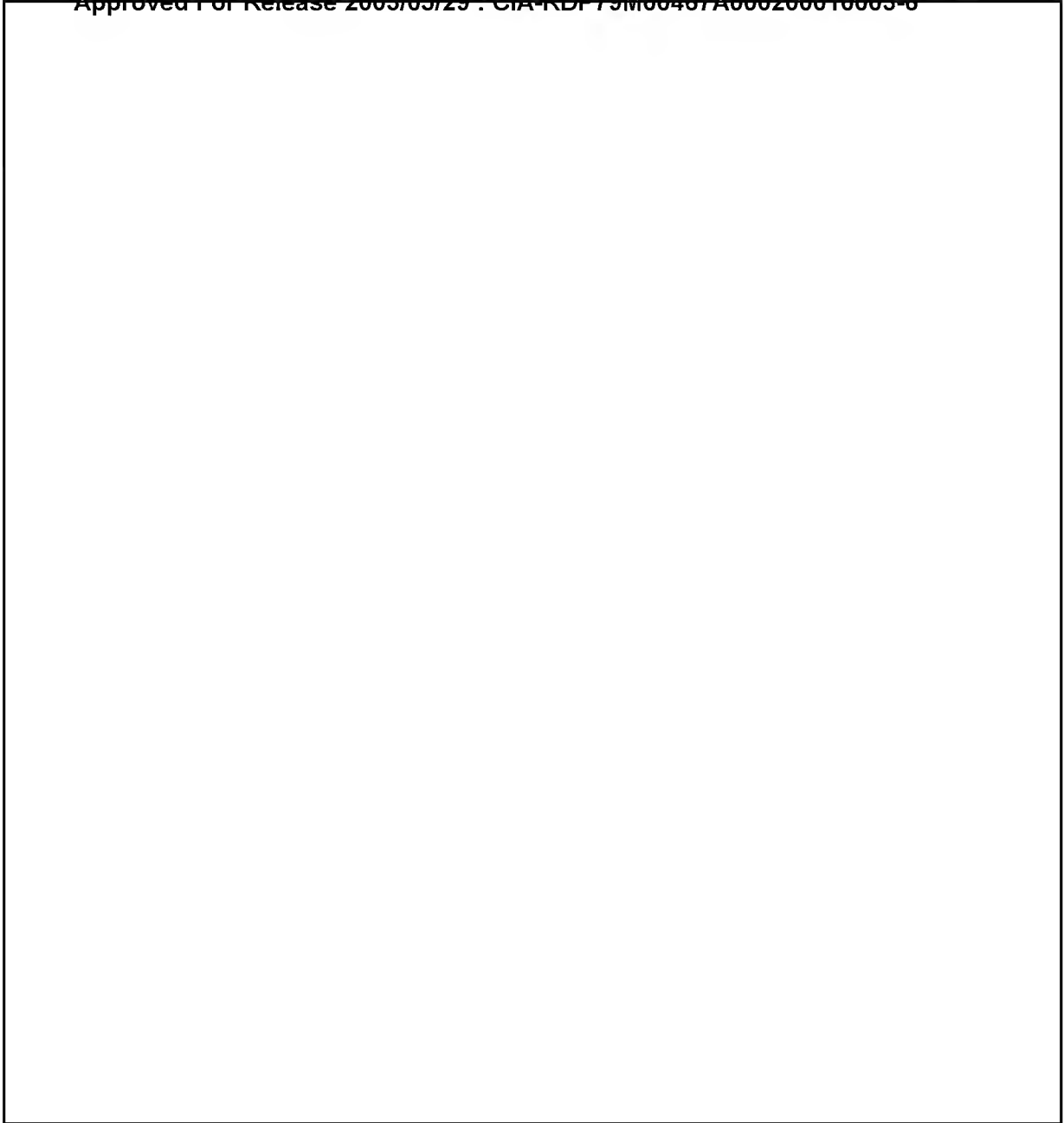
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[REDACTED]

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11. Because routine covert actions [redacted]
[redacted] do not require the prior review
of the OAG and the approval of the President, they shall be reported to
the OAG as part of the OAG's periodic reviews of programs previously
considered. Such reports shall include a listing of CIA's covert action
infrastructure [redacted]

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76-9913/7

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EXECUTIVE SECRETARIAT

Routing Slip

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	D/DCI/IC				
4	DDS&T				
5	DDI				
6	DDA				
7	DDO		X		
8	D/DCI/NI				
9	GC		X		
10	LC		X		
11	IG				
12	Compt		X		
13	D/Pers				
14	D/S				
15	DTR				
16	Asst/DCI				
17	AO/DCI				
18	C/IPS				
19	DCI/SS				
20			X		
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SUSPENSE

Date

Remarks:

Executive Secretary

24 November 1976

Date

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